

DIRECT EXAMINATION

BY MR. GILLIAM:

Q. Mr. Chapa, will you please introduce yourself to us?

A. Edwin Chapa. I work at the 1200 Baker Street jail.

Q. And do you mind spelling your full name just for the purposes of the record?

A. Edwin, E-D-W-I-N. Chapa, C-H-A-P-A.

Q. And you say that you work over at the jail; is that correct?

A. That's correct.

Q. And what do you do over there?

A. I'm a detention officer.

Q. How long have you been a detention officer at the jail?

A. Just a little over six years.

Q. And what are your assignments as a detention officer at the jail?

A. Custody, care and control of inmates.

Q. Now, I'm going to take you back to February 18th of 2014. Did you have an incident with an inmate named Weylin Allford?

A. I did.

Q. Do you see Mr. Allford in the courtroom

1 today?

2 A. Yes, I do. Right here (indicating).

3 Q. Will you identify him by what he's
4 wearing and where he's sitting?

5 A. Brown striped shirt, right here
6 (indicating).

7 MR. GILLIAM: May the record
8 reflect the witness identified the defendant?

9 THE COURT: It will so reflect.

10 Q. (By Mr. Gilliam) How did you have -- or
11 what was the incident you had with the defendant
12 about?

13 A. I was assigned to go help the commissary
14 staff. They come in -- they don't work at the
15 jail -- and their assignment is to pass out
16 commissary to the inmates and everyone was fine when
17 they went in except when they told me to open the
18 pan hole where he was at. When I opened the pan
19 hole, we gave him his commissary. He saw his
20 receipt. There was something in the receipt that he
21 didn't agree with so he got very upset. He started
22 going off on the two female workers.

23 Q. So I'll stop you right there. You said
24 he started to go off on the female workers?

25 A. Yes, sir.

1 Q. Explain to us what you mean by going
2 off.

3 A. Making rude comments to them, like,
4 you're fat, you're ugly, just -- again, he wasn't
5 agreeing with his receipts. He thought he had been
6 cheated out of his commissary so he was taking it
7 out on the staff. I remember they were like -- you
8 know, they were just -- they were very embarrassed.
9 He was calling them all kind of bitches. I'm sorry.
10 Just all kinds of names.

11 And they were just -- you could tell
12 they were upset. They were up yelling back and
13 forth. That went on for, like, four or five
14 minutes, just going back and forth. I tried to stop
15 it but, you know, I wanted to close the pan hole but
16 his arms were sticking out of the pan hole. So I
17 said, if I close this pan hole, I'll probably injure
18 him or something.

19 So I just let it, you know, go on for a
20 few minutes; and then once I noticed the female
21 staff was getting a little bit upset, I said, you
22 know, we need to step out here. And eventually they
23 did what they had to do, and I kind of ushered them
24 out.

25 Q. So once the commissary female staff

1 members who are doing the commissary stuff step out,
2 what do you do next?

3 A. Okay. Well, when I was walking them
4 out, I noticed that he had put a cup -- there was
5 liquid is what it was, but it was a liquid sitting
6 on top of the pan hole. So I kind of, like,
7 "Ladies, kind of walk as far away as you can," and
8 they safely went out without incident.

9 And I said I'll come back later and
10 close that pan hole because I didn't want to get
11 anywhere near that cup. So on my next -- on my next
12 round, which was, like, maybe less than 30 minutes
13 later, I was hoping that he would be more calmed
14 down by then. So I saw that he was away from the
15 pan hole so I thought this is a good time to go and
16 close the pan hole.

17 Q. Okay. So you see the pan hole is still
18 open?

19 A. It's open.

20 Q. Is the cup with the liquid still there?

21 A. No. No. But so that's why I figured
22 this is my chance to go close the pan hole. And so
23 I approached his cell, but then I noticed that he
24 still had it by his bunk. And I said, well, I
25 better hurry up and do this quick and so I

1 approached his cell and I didn't have time. The
2 next thing I knew he was -- urine was flying
3 straight at me, on my jacket, on my pants, on my
4 shirt. It was -- the smell was just bad.

5 Q. And where -- are you kind of -- explain
6 to us a little where on your body did the urine --

7 A. On my jacket, my pants, on the side of
8 my face. That's why I had to go to the clinic
9 because we didn't know what his medical condition
10 was. So they thought if it got in your eyes, your
11 mouth or something, you know, we don't know if he's
12 got HIV or -- so for my safety, they took me back to
13 the clinic, and they also took my clothes and took
14 it to the wash immediately.

15 Q. And after he threw urine on you, did you
16 have any other involvement with the defendant that
17 day?

18 A. No. No. I know there was another
19 person after me that might have come and did the
20 investigation on the incident and he also got urine
21 thrown at him, too.

22 Q. Okay.

23 MR. GILLIAM: Pass the witness,
24 Your Honor.

25 THE COURT: Defense?

1
2 **CROSS-EXAMINATION**3 **BY MR. SCOTT:**4 Q. Officer, did you -- did you make a
5 report about this?

6 A. I did.

7 Q. Do you have that with you?

8 A. I do.

9 MR. SCOTT: May I approach, Your
10 Honor?

11 THE COURT: You may.

12 MR. SCOTT: Can I have an
13 opportunity to look at it, please?14 *(Witness tendering document to
15 Defense counsel.)*16 MR. SCOTT: Can I have a moment,
17 please, Judge?

18 THE COURT: Yes, sir.

19 *(Brief pause.)*20 Q. (By Mr. Scott) Now, Mr. Chapa, in
21 relation to the -- the incident, you talked about a
22 pan hole; is that correct?

23 A. Yes, sir. Yes, sir.

24 Q. And the pan hole, I think -- all right.
25 This is on State's Exhibit No. 1. It was earlier
introduced into evidence.

1 Mr. Chapa, is the pan hole displayed in
2 that picture that I have there on the machine?

3 A. Yes, sir, that's a closed pan hole.

4 Q. All right, sir.

5 And that would be that rectangular dark
6 area there in the center of the door that goes left
7 and right as far as being rectangular, correct?

8 A. That's correct.

9 Q. All right, sir. And you say this in the
10 display on the -- on there, that one is closed,
11 correct?

12 A. Correct.

13 Q. When it opens, does it open up or down?

14 A. Down, like facing -- like facing
15 outside.

16 Q. It would create, then, basically a shelf
17 if it was open, correct?

18 A. That's correct.

19 Q. All right. And you say this is -- this
20 is where the cup was, or was the cup somewhere else?

21 A. It was on the -- on the ledge of the --
22 on the -- when you open the pan hole, it was right
23 there on the ledge.

24 Q. Well, all right. I don't think we've
25 seen a picture of that. So you'll have to describe

1 it to me. If you open the --

2 A. Do you have a picture -- sorry. Do you
3 have a picture of an open pan hole by any chance?

4 Q. No.

5 A. No.

6 Q. That's why we're having trouble.

7 A. If you can picture, you know, like I
8 said, it makes, like, a little table. Okay. Right
9 there (indicating).

10 Q. So it would have been outside the door,
11 then, right, on the outside of the door?

12 A. It would have been right where you --
13 actually, it was right where the -- in other words,
14 this is -- if this was the pan hole, the flap opens
15 up this way (indicating). So this is the flap over
16 here (indicating). The cup was, like, on this part
17 of the pan hole (indicating).

18 Q. Well, I'm having trouble. Is there a
19 shelf on the inside of the door on the pan hole?

20 A. No, this is, like -- when it's closed,
21 this is the ledge right here (indicating). So then
22 when you open the pan hole, it -- it flips over. So
23 there's a part right here and then there's a ledge
24 right here. And it was right here (indicating).

25 Q. So would the ledge be part of the door

1 or would it be inside?

2 A. It would be -- it would be -- the
3 part -- it's hard to describe without a picture.
4 But it's -- it wasn't on the flap.

5 Q. Okay.

6 A. Right. It was very visible, though, on
7 the ledge.

8 Q. And you say even though it was visible,
9 you still went up to it and tried to shut the door,
10 which would have necessitated -- I mean, the pan
11 hole cover --

12 A. Right.

13 Q. -- not door, the pan hole cover, if you
14 had made it over there, and could have slammed it
15 shut --

16 A. Right.

17 Q. -- then it would have knocked the cup
18 back into the cell, correct?

19 A. It would have probably pushed it back,
20 yes, sir.

21 Q. Okay.

22 A. But I didn't attempt because I didn't
23 want to do it while the ladies were there with me.

24 Q. Right. No, I understand that.

25 A. All right.

1 Q. I understand that.

2 And then after it was done, you said
3 that you went to medical based on concerns and all
4 those concerns were negative, were they not?

5 A. They were negative, yes, sir.

6 MR. SCOTT: Pass the witness.

7 THE COURT: State?

8 MR. GILLIAM: Nothing further.

9 THE COURT: May be he excused?

10 MR. SCOTT: Yes, Your Honor.

11 MR. GILLIAM: Yes, Your Honor.

12 THE COURT: You're excused.

13 THE WITNESS: Thank you.

14 THE COURT: State, call your next.

15 MR. GILLIAM: State calls Jose

16 Velez.

17 THE BAILIFF: Your Honor, this
18 witness has not been sworn.

19 THE COURT: All right. Come up,
20 sir. Please raise your right hand.

21 *(Witness sworn.)*

22 THE COURT: Have a seat, please.

23 You may proceed.

24 MR. GILLIAM: Thank you, Judge.

25

